

FILED

NOV 17 2010

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

**CLYDE BERGEMANN, INC., d.b.a.**  
**ANTHONY-ROSS COMPANY, a**  
Delaware corporation,

Plaintiff,

v.

**SULLIVAN, HIGGINS & BRION PPE,**  
LLC, an Alabama limited liability  
company; **CLAY W. BRION, III,** an  
individual; **DANIEL RICHARD**  
**HIGGINS,** an individual; and **EUGENE**  
**SULLIVAN,** and individual,

Defendants.

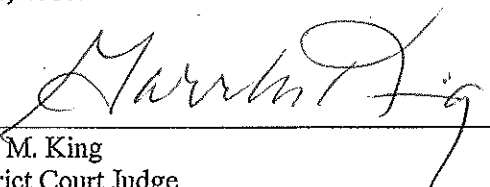
No. CV 08-0162-KI

STIPULATED ORDER MODIFYING  
MINUTE ORDER GRANTING PLAINTIFF'S  
MOTION TO ABATE CLAIMS AGAINST  
DEFENDANT EUGENE SULLIVAN

Based on the Stipulation re Modification of Bankruptcy Automatic Stay and Abatement of this Action against Defendant Eugene Sullivan, the court finds that, on October 29, 2010, the U.S. Bankruptcy Court for the Southern District of Alabama, where defendant Eugene Sullivan's chapter 7 bankruptcy case is pending, entered its order modifying the bankruptcy automatic stay to permit plaintiff, Clyde Bergemann, Inc., doing business as Anthony-Ross Company ("ARC"), to continue to prosecute its cost bill in this action to supplemental judgment and to enforce the injunction in this court's August 11, 2010, judgment in this action and in the underlying arbitration award.

NOW, THEREFORE, this court modifies its October 20, 2010, minute order granting Plaintiff's Motion to Abate claims against Defendant Eugene Sullivan [93] only to permit to permit ARC to continue to prosecute its cost bill in this action to supplemental judgment and to enforce the injunction in this court's August 11, 2010, judgment in this action and in the underlying arbitration award; the minute order otherwise remains in effect.

DATED this 17 day of November, 2010.

  
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Garr M. King  
District Court Judge

Submitted by:  
Bruce A. Rubin, OSB No. 763185  
Miller Nash LLP  
Attorneys for Plaintiff, Clyde Bergemann, Inc.